

**Federal Communications Commission Hearing
Monterey, California
July 21, 2004**

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INTRODUCTION:

- **Good evening Honorable members of the Federal Communications Commission and good evening to all members of the public.**
- **It is an honor to be here this evening and I thank Ms. Royce Sherlock and the entire Localism Task Force for having extended this invitation to me.**
- **Given the limited time available, I will be brief and direct with my comments which are hereby respectfully submitted for your review and consideration.**

FOCUS:

- **My focus this evening will be to provide comment with respect to the Commission's concern that broadcasters serve the needs and interest of *all* significant segments of their communities, including the Spanish speaking communities.**
- **I believe the term "significant segments" as used in the Commission's Notice of Inquiry adopted on June 7, 2004 refers to segments of individuals whom I have the honor of serving in my various roles. As a lawyer, I represent many Spanish speakers who find the US legal system difficult to understand; as Honorary Consul I address the many issues facing immigrants from Mexico who live and work on California's Central Coast; and as chair of the Hispanic Chamber of Commerce I see first hand the challenges faced by many small Hispanic owned businesses.**
- **These significant segments do not belong to a homogenous group; indeed, there is much "diversity within diversity." Language of preference; immigration status; economic level; level of formal education; etc. will all vary from individual to individual and from community to community. Given this multifaceted context, the mission of localism and its implementation require extensive research and careful evaluation.**
- **If a person is unable to read English and English is the most commonly used language, that person will rely on visual and audio sources of information. If a person reads no English *or* Spanish, reliance on visual and audio sources of information is heightened.**
- **Let us remember that broadcasters are trustees of the public airwaves and that they must use the medium to serve the *public* interest. I would urge you to adopt a broad definition of "public" to include Spanish speakers, immigrants from abroad, individuals who are illiterate, etc. Because to deny these individuals the benefits of this public resource is a disservice to**

everyone in the community, not just to those directly affected by such a decision.

- This Commission has stated that the free flow of information is quote “the lifeblood of democracy.” If many can understand public information *only* if it is delivered in Spanish, do we truly have this free flow of information and do we truly protect democracy if Spanish is not used to deliver this public information?
- The public’s airwaves are akin to a sort of international currency, because people from all over the world use them. I would urge the Commission to manage this international currency using strict standards of accountability.

SPECIFIC RECOMMENDATIONS:

- My hope is that these recommendations will assist the Commission in complying with the Third District Court of Appeals’ mandate that a quote “rational” and “reasoned analysis” be applied in formulating any proposed rule changes.
- I believe a different vocabulary must be emphasized; instead of referring so often to corporations, conglomerates and consolidation, let us begin using words such as commitment, compassion and community conscience.
- To contribute to localism, broadcast programming must highlight heroes and success stories from *within* the significant segments already referenced so that community pride may be fostered. Also, licensees must use non traditional delivery systems which incorporate culturally sensitive themes.
- With respect to *non programming* factors, I urge the Commission to undertake the following:
 - Include local station decision makers in defining and implementing localism.
 - Provide access of station decision makers to the local residents in order to promote trust within the local communities.
 - Urge main studios to be located within the local communities so that the local studios are quote “part of the neighborhood.”
 - Promote participation in local community activities so that licensees confirm their commitment to the community and establish trust by being present during these activities.
 - Encourage contacts with the leadership in the local community groups so that licensees have a pulse on community priorities.
 - Confirm that a licensee’s familiarity with the particular community context of the broadcasting area is vital to the effective delivery of public information to underserved communities.
 - Define locally oriented programming as programming of interest to the local community regardless of the source. For example, natural disasters in foreign countries often are of particular interest to local

communities because of the community members' ties to the foreign country.

- Incorporate individuals with sensitivity to these underserved communities in the decision making process.
- Track the usage of public service announcements (PSAs). Are licensees required to track why and how often PSA requests are *rejected*? Are they required to track *when and how often* the PSAs are aired? Do licensees track to what extent they encouraged and made it known to underserved communities that PSA airtime was available? Without this tracking there is no basis for framing a complete and responsible action plan for the future.
- Reward licensees who seek opportunities to educate underserved communities. For example, with respect to local and national elections, licensees have the ability to education communities about the importance of participating in the political process. Licensees must explain why understanding and participating in the political process is important and how politics affect the daily lives of many individuals residing in underserved communities. Currently, many individuals residing in underserved communities consider politics as a low priority item because the daily challenge of basic economic survival continues to be *the* top priority.
- With respect to the regulations, I believe qualitative features need to be introduced into the licensing process. For example, if a licensee demonstrates strong community commitment, the initial term of it license could be automatically extended. Conversely, the initial term of a license could be conditioned on the licensee's demonstrating a certain minimum level of community commitment and a failure to reach this level of commitment could subject the license to suspension or revocation.

CONCLUSIONS:

- As Commission Adelstein has stated, localism means providing opportunities for local self expression. To deny individuals the opportunity for self expression is to deny them their personal growth, self respect and dignity. Commission Adelstein also references the Commission's duty to ensure that all broadcast licensees exhibit deep commitment to their local communities. I would like to suggest that the Commission's duty should also include the obligation to ensure that all broadcast licensees exhibit deep community conscience and a sense of responsibility for the future of their local communities.
- With your permission Commissioners I would like to conclude with a few words in Spanish.

- **Muy buenas noche damas y caballeros. Sólo quería darles las gracias por su participación en este evento. Al participar esta noche confirman su interés en el futuro bien estar de nuestras comunidades.**
- **What I just stated is as follows: Good evening ladies and gentlemen. I just wanted to thank you for participating in this event. Your participation this evening confirms your interest in the future well being of our communities.**
- **Thank you.**

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